

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

Incident Date: Between March 5, 2022 & March 22, 2022
Department Knowledge: March 16, 2022
Statute Date: March 15, 2023

INTERNAL AFFAIRS BUREAU INVESTIGATIVE REPORT

CONFIDENTIAL

IAB #IV 2558097

TABLE OF CONTENTS

Table of Contents

IV 2558097

AUDIO/VIDEO TRACKING SHEET

INTERNAL AFFAIRS BUREAU
- Audio/Video Tracking Sheet -

IV 2558097

Investigator's Name: Lieutenant Ann Devane

Total number of USB Flash Drives: 0

Total number of compact discs: 2

Total number of digital audio files: 1

DIGITAL AUDIO FILES

Name
1-Complainant [redacted]

DIGITAL MEDIA

Transcripts	One (1) Compact Disc containing: Audio recorded interview and interview transcript
Exhibit C	One (1) CD containing recordings of Subject Villanueva conducting interviews on Facebook live, and KFI Radio show; Tweets; email to the Sheriff Department Employees; and two articles from the Los Angeles Times.

PERSONNEL INVESTIGATION FORM

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
PERSONNEL INVESTIGATION

DATE	No. OF SUBJECTS	UNIT(S) INVOLVED	I.A.B. FILE No.
09/20/2023	1	Executive Division	IV 2558097

MANUAL SECTIONS ALLEGEDLY VIOLATED (BY TITLE AND No.)
3-01/121.10,POE-Discrimination; 3-01/121.20, POE-Harassment(Other than Sexual);
3-01/121.25, POE-Third Party Harassment; 3-01/121.30, POE-Inappropriate Conduct Toward Others

DATE, TIME, DAY OF OCCURRENCE: Between March 5, 2022 and March 22, 2022
RELATED URN FILE No. IF APPLICABLE:

LOCATION OF OCCURRENCE: Unknown

SOURCE OF COMPLAINT: ☐ COMMUNITY ☐ SUPERVISION W/C REPORT No. ____ ☑ OTHER SOURCES (SPECIFY) POE #: 22-045

SUBJECT	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
No. 1 OF 1	Alex	Villanueva		Sheriff	[redacted]

UNIT OF ASSIGNMENT: Executive Division
DATE ASSIGNED:
DIVISION OR REGION: Executive Division

STATUS OF SUBJECT: ☑ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ____ ☐ OTHER ____

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
Male	Hispanic	Brown	Brown	510	195	[redacted]	60

DATE OF HIRE: 12/03/2018
DATE APPOINTED TO RANK: 12/03/2018
INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ____ TIME ____

PREVIOUS FOUNDED INVESTIGATIONS

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE
[redacted]			

SUBJECT	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
No. OF					

UNIT OF ASSIGNMENT:
DATE ASSIGNED:
DIVISION OR REGION:

STATUS OF SUBJECT: ☐ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ____ ☐ OTHER ____

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE

DATE OF HIRE:
DATE APPOINTED TO RANK:
INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ____ TIME ____

PREVIOUS FOUNDED INVESTIGATIONS

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE

CODE: C - COMPLAINANT, **W** - WITNESS
ADDITIONAL COMPLAINANTS, WITNESSES, OR SUBJECTS ON SUPPLEMENTAL PAGES ☑ YES ☐ NO

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
C No. 1 OF 1	[redacted]	[redacted]		Male	White	Adult

RESIDENCE ADDRESS: Office of Inspector General
RES. PHONE (AREA CODE) ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: 500 W. Temple Street Los Angeles, CA. 90013
CDL OR LASD EMPLOYEE NO.:
BUS. PHONE (AREA CODE) [redacted]
INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE 07/21/2022 TIME UNK

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W No. 1 OF 1	[redacted]	[redacted]		Female	UNK	Adult

RESIDENCE ADDRESS [redacted]
RES. PHONE (AREA CODE) ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Los Angeles, Ca. 90013
CDL OR LASD EMPLOYEE NO.:
BUS. PHONE (AREA CODE) ( )
INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE 08/01/2022 TIME ____

PRIMARY INVESTIGATOR	RANK	EMP. No.	APPROVED	DATE
Sanders Roberts LLP			R. Romero	10-2-23

ASSISTING INVESTIGATOR	RANK	EMP. No.	DATE SUBMITTED
Lieutenant Ann Devane	LT	[redacted]	09/26/2023

SH-AD-669-3/15

IF ADDITIONAL SUBJECTS, WITNESSES, COMPLAINANTS OR DISCIPLINE HISTORIES, LIST ON CONTINUATION PAGES.

INTERVIEW TRANSCRIPTS AND AUDIOS

IV 2558097
AUDIOS AND
TRANSCRIPTS



COMPLAINANT INTERVIEW

REFER TO INTERVIEW TRANSCRIPTS AND AUDIO CD

1. COMPLAINANT [redacted]

IV 2558097

WITNESS INTERVIEW

[redacted]

Herrera: I am an attorney with Sanders Roberts. We have been hired by the county to conduct this independent investigation. The county, because they don't- apparently the Sheriff's Department doesn't know how to use these Teams videos, I'm also going to record via audio on another device. Just letting you know that. 'Cause apparently they haven't figured out- they haven't figured out how to incorporate speech.

[redacted] Why would you be interested in what the Sheriff's Department can do? They have CPOE investigators who have interviewed me and I thought this was an external investigation because the county was not pleased with how the Sheriff's Department was handling it. Is that not correct?

Herrera: I think the idea, and I'm sure you're familiar with how the CPOE process is, but typically there's an intake and an assessment done and then depending on, you know, the results of the intake and assessment, you know, it's farmed out to different people to do investigations. In this case, because of the nature of the allegations, I think also the subject of the investigation itself, I think the Sheriff's Department decided that it made more sense, and the county, to have an external, a neutral third party, to conduct this.

[redacted] I hear what you're saying and that's true as to all CPOE investigations except the Sheriff's Department ones. And I was actually contacted by a Sheriff's Department investigator. I wasn't told that it was an Intake decision and then the sheriff, in the link I sent you, he told the Times Editorial Board that I had made a CPOE complaint against him. So I'm pretty sure that they had triggered some process internally that he was informed of. And so I'm just- Look, it doesn't matter. I'm very skeptical about this whole process.

Herrera: I'll certainly ask you some questions about that to get a better sense of who you spoke to and I can look into that. So again, for the record, my name is Christine Diaz Herrera. Can you say your name for the record?

[redacted] [redacted]

Herrera: Perfect. And today is July 21st 2022. It's 2:05 PM. I have an admonition that I'd like to read. So my admonition states that "You are about to be questioned as a part of an official Los Angeles County Sheriff's Department administrative investigation. You are here as a witness in a matter which concerns another employee, the complainant. You obviously, as you know, are not a subject of the investigation itself and you are not under investigation at this time. I think the question that they typically ask is whether you're aware of the Policy and Ethics chapter of the Manual of Policy and Procedures, and this might be different because you're not actually within the Sheriff's Department.

[redacted] Right. The admonition doesn't quite make any sense, but I note the admonition.

Herrera: Right, and, you know, essentially the other piece of it is just that this is a confidential interview and we ask that you keep the contents of- the substance of what we talk about today confidential but certainly that you've talked to me or that this investigation exists is not a secret and, you know, to the extent that you share it with someone else, that's certainly your purview.

[redacted] I'm not part of the Sheriff's Department.

Herrera: Correct, I am aware of that.

[redacted] So if you're conducting an internal sheriff's investigation, already I was contacted by the Sheriff's Department. I was told it was confidential and then the sheriff told the LA Times about it. So I don't personally hold any stake in the confidentiality of the sheriff's process. I'm not questioning you or what you're assigned to do, but as soon as you provide this to the sheriff, he will do whatever he thinks is best politically with it and that's how it is. So I'm not going to agree that I won't talk about this with whomever I feel like and including County Counsel, including [redacted], including all the other folks who I think it might be appropriate in order to protect the rights of the individuals who he's been targeting.

Herrera: Sure, and I will say that my work is at the direction of County Counsel and because he is the subject, it wouldn't be him that I'm reporting to and it wouldn't be him that I would be actually giving the final report to, but in any event, I do understand.

[redacted] Okay that's fine. The reason my tone has changed is because you read me a Sheriff's Department internal investigation admonition. If you're telling me that you work for County Counsel and this is going to County

Counsel, then I apologize for my tone. It's the Sheriff's Department and their conduct that I take issue with. So if County Counsel just said, 'Hey look, because this is going to go to the sheriff, read this admonition', I understand that and I have no beef with County Counsel. My concern is with the conduct within the Sheriff's Department. Once County Counsel's done with their investigation, if they then make a determination of what they have to tell the sheriff, I don't have any problem with that. I thought this was being conducted by the sheriff, in which case I have a different opinion.

Herrera: And that's a fair point, and again, in terms of process, all I can tell you is that, you know, they gave me all of the things that they normally would use because I'm standing in their shoes, so to speak. In some ways that this would normally be done, typically by somebody within the Sheriff's Department.

[redacted] My statement to the Sheriff's Department wasn't given to you?

Herrera: [inaudible] it's not.

[redacted] Okay. Because County Counsel has asked you to do this. The Sheriff's Department didn't, okay got it. So you don't- When you get to the questions I'll talk to you about that.

Herrera: Okay, fair enough. That's what I'm saying. So, you know, I apologize. It sounds like there's some pieces of information out there that I may not have yet--

[redacted] No no, it's okay.

Herrera: --but certainly I will make every effort to make sure that I do get that information. I typically just start with a little bit of background information. So, you know, how long have you worked with the County of Los Angeles?

[redacted] Since 1991.

Herrera: And what is your current position?

[redacted] [redacted]

Herrera: And how long have you been in that position?

[redacted] Well I was hired in 2013, and the post was sort of officially anointed in 2014. So, depends on how you look at it, but it was late 2013 or early 2014.

Herrera: Correct. And, who do you report to?

[redacted] Technically I report to the Executive Officer, Celia Zavala. I have an odd status in that I'm [redacted] to the Board of Supervisors, so she supervises me primarily for administrative purposes and I report to them for substantive matters.

Herrera: And when you say you report to them, you mean you report to the Board of Supervisors?

[redacted] My reports go to the Board of Supervisors. I'm, in addition to County Counsel, [redacted] in the county and so I give them legal opinions from time to time. I interact with them. So I have a kind of a weird status, but technically I'm part of the Executive Office and my boss is Celia Zavala.

Herrera: And what are your duties typically? I know that's a broad question, but--

[redacted] It's a broad question. There's an ordinance that sets forth many of my duties and there are California statutes that set forth my duties. I'm a county officer and so my duties are set forth by statute and ordinance. The short version of them is that, my office was created to monitor, at first the Sheriff's Department, to make sure that we didn't have corruption within the Sheriff's Department of various sorts and to make sure that there were public reports, transparency, accountability for sheriffs' conduct to protect constitutional rights of prisoners and the public in general and so that's how we were created. Over the years we've had our responsibility expanded a bit, to include the Probation Department; we are actively responsible for- at one point we did some work on skilled nursing facilities that involve the Department of Public Health. So our mandate is a little broader under 25.303 of the Government Code. We can advise the sheriff- the supervisors on matters other than the sheriff because they have a duty to supervise all county officers, and we do that from time to time, but it's primarily Sheriff's and Probation, including the jails. We also have responsibility for all the different county and noncounty folks that have any kind of impact on the jails and our work is partly evaluative in terms of reports on procedures and practices, partly investigative. In our earliest days we were less investigative. Our duties were expanded, first by ordinance and then ultimately to some degree by statute.

Herrera: Do you have any oversight with regards to, like, use-of-force issues that come up within the Sheriff's Department?

[redacted] Oh yeah, absolutely. Our staff role out to all officer-involved shootings and we are supposed to be able to monitor and actively investigate those instances by law, but the Sheriff's Department does not permit us to properly do it. What they do permit is for us to come on scene for a shooting, get a walk-through -sometimes a partial walk-through- of the scene and some basic information about what's happened. They usually don't cooperate with our investigations after that. So for instance [redacted] We asked for the reports relating to the [redacted] It was the justification for what they did; they refused to give it to us. So there's a disconnect between what our job is under statute and ordinance and what the Sheriff's Department obstructs or does not obstruct. But we do go out to the scenes.

We do a similar thing for in-custody deaths, on a case-by-case basis. So in some instances where there's in-custody deaths or even uses of force, Category 3 -the more serious uses of force- then we sometimes go to the scene again to see the scene, to look at it, but sometimes we don't. Because there are instances where that's not really helpful based on the way things operate in Custody, when we gather any information, so. So we do do that too. And yeah, as to use of force in general, part of our duties are to review.. not on a case-by-case basis but overall, the use of force and the way they're handling policies. We are permitted to do individual investigations but we're not required to.

Herrera: What about if someone was injured while in custody? Is that type of allegation, is that something you would look into?

[redacted] Yeah. Again, the way our mandate is worded, we are responsible for monitoring and sometimes investigation matters in Custody, which includes what you describe, as well as many other issues. Any kind of things having to do with the terms of confinement and the manner in which people are held, any complaints they have. So we get complaints directly from people, we go and talk to them, we conduct inspections of the jails as well as limited investigation as to individual incidents. The Sheriff's Department has primary responsibility and our primary model is that we prefer to monitor the Sheriff's Department's investigations. But we are lawfully entitled to conduct a follow-up investigation. So for instance, we have recently in our investigation in assisting the Attorney General's Office have done some onsite interviews and reviews and

taken photographs and whatnot. So I recently was down at the East LA Station and took a photograph of a 3%er logo that has been discussed recently and has been a matter of- I think will be a matter of public concern but has been a matter of concern within the county. So that's kind of how we function. We don't investigate every case. We're not ever the first level of investigation. We're meant to be sort of a second opinion and quality control.

Herrera: Have you had any role in- Let me back up. Are you aware of there being an incident where there was someone who was injured while in custody, allegedly by an officer putting his knee on their neck where they couldn't breathe?

[redacted] Oh yes.

Herrera: Okay.

[redacted] I'm very much aware of incidents like that. I don't know about the 'couldn't breathe' part.

Herrera: That they put the knee on the neck. And that they--

[redacted] Yeah. I think the one that has gotten a lot of attention of late is the [redacted] incident. [redacted]

Herrera: And is that an incident that you are investigating separately or looking into or, or you just monitor it?

[redacted] We are attempting to investigate it; however, the Sheriff's Department has been obstructing our investigation.

Herrera: And how do they do that? How do they obstruct?

[redacted] Well the tools that we have for investigating are two parts: one is an ordinance, and statutes, that require the cooperation of the Sheriff's Department. The other part is subpoena power, which is also according to both ordinance and statute. And so when it comes to the subpoenas that we issue, the Sheriff's Department does not comply with them, and that's how they obstruct. When it comes to the other part of our ordinance, which is supposed to be self-executing, which is that we have the authority to require any county department and any Sheriff's Department employee to provide information to us upon request in the manner that we directed, they simply refuse. And that's done at the

direction of the sheriff and then, of course, as- we're talking here because of more active efforts the sheriff has taken to obstruct my investigations that began when he first took office and we started to report on his rehiring of a deputy, a law enforcement gang member, Caren Mandoyan, and when we reported on that then he started to take some actions against me: placed me under criminal investigation and the subject of my information I provided to CPOE related to another effort on his part to attack and discredit me, which I believe was for the purpose of obstructing our investigations into his misconduct and law enforcement gangs. But when I was talking about them obstructing our direct investigations, I was referring more to the fact that they refuse to comply with subpoenas and refuse to comply with information requests except on limited bases.

Herrera: Now is that something that you can compel them to do so in court or is that something--

[redacted] Yes. The subpoenas have a built-in mechanism and we have- So the sheriff was initially subpoenaed to speak about law enforcement gangs. He refused to talk. The county took the action permitted for in the statutes, certified the matter with contempt proceedings to the court. The court told the sheriff that he could not ignore our subpoenas and then he showed up. He then refused to take the oath and so we had to go back to court and get him compelled to take the oath. So then he took the oath and swore to tell the truth and we asked him a bunch of questions and he refused to answer many of them. So we have to go back to court to compel him again and we're in the process of preparing that. So there is absolutely a mechanism for compelling the subpoena process, which is a very slow mechanism and the sheriff has I think intentionally made it slow, so it hasn't effectively compelled the behavior even though we've won every time we've gone to court, and the court has followed up with us.

The other mechanism I mentioned, that's the subpoena process. Our inherent authority to direct county employees, as an officer of the county given that authority, the Sheriff's Department also does not comply with that. County Counsel - I think it was last week - filed a petition for a writ of mandate in the Superior Court to compel them to comply with that legal duty and.. which should do a bunch of things. Like, when I first came under criminal investigation, they shut off our access to computers. So if we had that access we wouldn't even have to ask them; we would just type in our code word and we would pull up information on the computers. So that's part of that writ of mandate, to say you need to turn that back on. Body cameras for instance. The whole plan with putting out body cameras was that we would have

direct access to that video, without having to ask the Sheriff's Department for it and the Sheriff's Department has refused to comply to that. So then that's part of that writ of mandate that will eventually, I suppose, be litigated in court, but it takes a very long time. We have no, you know, direct ability to enforce or to compel since the Sheriff's Department's a stand-alone entity.

You look like you're frozen. Are you there? I think we have technical difficulties, so I don't know what of this you can hear, if any. I'm going to stop talking. [silence 0:18:09 to 0:18:49] Hello, you're moving again.

Herrera: Yeah, I could hear you but you couldn't hear me. So I--

[redacted] Yeah, your picture froze in a one position and then I couldn't hear anything from you. So I kept talking for a while--

Herrera: It was the whole thing, I got all of- The last thing I heard was that, you know, that the process to access things like body-worn cameras, that there's no direct ability to enforce or compel, so you've been going through that process to get that type of information.

[redacted] Right, apart from the legal process, we don't have any ability to directly do something. The county, everything it does with respect to the Sheriff's Department is controlled by the sheriff. So for instance, Murakami the undersheriff was [redacted].' Mandoyan, the county had some ability yet they had to sue him to prevent him from rehiring Mandoyan. So it's not like I can say, 'Hey you're a county employee. If you don't answer my questions you're fired' because the sheriff gets to decide who to fire. So effectively I can do nothing without the sheriff's permission and the sheriff does not choose to give it. It's kind of, like, Watergate where they fired the special prosecutor. Unless the person being investigated agrees to it, they can't be investigated. Unfortunately that's the way it currently is.

Herrera: Just an aside, but the Board can't target the money? Like for example, the contractors that, like, the body-worn cameras, like 'I'm not gonna pay unless we have access to it.'

[redacted] That's correct and recently something like that has just happened, which is, has to do with school resource officers. So in that context, the Board directed us to approve or disapprove the contracts in those matters rather than- They would basically delegate it to us, their approval authority. All county contracts are controlled by the Board, but

the downside is that these are important contracts and the budget point- they could turn off the sheriff's budget, say 'We're gonna defund the police,' as people have sometimes requested, but they don't want to do that because we need police, you know. So unfortunately the mechanisms they have to control the sheriff are all blunt instruments that would have a negative impact upon the public and less of an impact on the sheriff. And so, it's kind of like sanctions in the international arena where if you put sanctions on a county then the people of the country suffer and the leaders sometimes don't, you know. It's that same kind of problem. In theory they ought to have a lot of power and authority, but they- in practice they don't really have a mechanism to force the sheriff. Which is why - I don't know if you followed it, but recently they voted to put on the ballot for the public to consider whether or not they could remove the sheriff by a four-fifths vote for failing to abide by his legal duties as well as obstruction of investigation. So that's kind of a mechanism that, if the voters approve, they would then have the ability to say to the sheriff, 'Look, you're not following the law and so we're going to remove you if you don't follow the law.' Still, politically that's a big pill to swallow.

Herrera: Right.

[redacted] So I don't know if they would actually do it because, again, the impact on the public and the perceived impact on the public is very great and so I think they would be loathe to use that mechanism for enforcement purposes. What we really need is, is court-ordered compliance and that will take time. [redacted] which will also take time. So there are mechanisms, but they're all slow.

Herrera: That seems to be a theme everywhere, not just here. With regards to your interactions with the sheriff's office, what's the extent to your typical interactions with them? Like, do you.. I know it's a broad question.

[redacted] Well it is a broad question so I'll break it down into different sort of categories. There's me personally; there's my office; and then there's what you mean by the sheriff. So me personally, honestly that's a laugh. My office, which is roughly 30 people, a little less, have a variety of duties and so we have a variety of interactions with the Sheriff's Department. And some of them are smooth and routine and some of them aren't. So on a daily basis I have monitors who go into the jails and inspect the jails, talk to people, do a variety of things. I have inspectors who gather information regarding reports that we're working on; have communications with people at the middle or bottom of the

Sheriff's Department; I have lawyers who write reports and do analysis who talk to, again, people at the middle or bottom of the Department. And those communications are relatively smooth. Under the current administration, there have been restrictions placed on them so that when we make requests for documents or other things, those have to go up the chain and get approved and they don't get approved, except in cases where they think it's not important. But in all the important cases, such as the incident you're referring to where the man got the knee on his head/neck area, then we don't get anything. So.

But on the day-to-day interactions, there's a fairly polite interaction and that goes for me as well. When I went down to escort the Attorney General's office to do these site visits, we were treated fine. An assistant sheriff was there. He's one who we have a long history of communication with because we're a monitor in the jails under a federal law, see Johnson, having to do with the ADA, and one of my assistants, who has just left to go work in Philadelphia, had a very longstanding good relationship with him. So that was all very smooth. I was able to go in and take the picture that I took of the 3%er logo without any trouble. It's not always quite that smooth, but when it comes to requests for actual evidence in our investigations, that's where we're shut down. So as long as we're polite and we don't cause any trouble, they're polite to us.

And that's my staff, that's me, as to the department in general. As to the sheriff, zero. He sometimes sends letters- his undersheriff sometimes sends letters. They are rarely- they're usually nonsensical, rarely in response directly to what we say. So for instance, in January we requested evidence regarding law enforcement gangs under the new statute, Penal Code 13670, and he didn't respond; Murakami sent us a letter. And he sent a letter to the Board telling me to cease and desist from the use of the term and all these other things. And that's the kind of response we get, or tweets talking about us. The thing that caused me to report to CPOE on this matter was a tweet by him, or a press release by him, attacking me, not communication to me. I haven't talked to the sheriff personally since.. he threatened me back in 2019 and I haven't talked to Murakami. We used to have a little interaction with some of the higher level folks at the Civilian Oversight Commission, but they stopped going, and they're required by ordinance to go to that and they don't do that anymore.

So we don't have any real relationship with the management of the Sheriff's Department at that level. At the assistant sheriff level, [unintelligible] 2630 Patrol and Custody, we have cordial relations. You

know, I can call them or email them and they email me and we communicate just fine.

Herrera: You said in 2019 he threatened you?

[redacted] Yeah, that was in June, June 17th of 2019. I'd mentioned that we wrote a report about Caren Mandoyan, the grim reaper, who he was trying to rehire. The county had sued him because he was doing that unlawfully, and we set about trying to investigate the manner in which the sheriff was saying he was going to rehire a bunch of fired deputies including Caren Mandoyan -what he called a Truth and Reconciliation Committee or Commission- that he was going to set up within his office. So we tried to investigate that and he refused. We wrote a report about it as best we could with the information we could gather, and I gave him a draft of it, and when I did that he shut off our computer access and I was asked by people in the county to try to convince him to change his mind.

So I met with him personally and said, 'Will you please turn back on our computer access?' and he used the opportunity to tell me that I was a political hack, that my report was ridiculous. I have since learned he never read it. But he said that it was all wrong and that his hiring of Mandoyan was correct and wonderful, and that I shouldn't issue the report, because it might influence the civil litigation regarding rehiring Mandoyan. And I said, 'Look, that's my job [redacted] to issue this report and what happens in the civil case isn't my business. I would think it wouldn't have any impact because I think probably it's unlawful, but that's for you to work out. I'm just reporting to the public what happened.' And in that context, he said to me, 'If you issue this report, there'll be consequences,' and he said it in a significant way, but he didn't say what they were and his number two, Mr. Del Mese, who was present, quickly changed the subject. And a short time later, he announced to the press that I was under criminal investigation and sent a letter to the Board asking them to relieve me of duty because of the 'horrible conflict' there was for somebody who is being criminally investigated to be responsible for--

Herrera: I'm sorry, you were just a little bit fast. I'm only so good at typing. I was not hired for my typing skills. So you said he announced- what did you say he announced?

[redacted] In a podcast, he told some representative of the media that I was under criminal investigation for stealing from the county, basically, from his department, stealing data, and he had Murakami send a letter to the board asking- saying the same thing and asking that I be removed from office. So he announced it publicly. The reason I point that out is

because that's not how you begin a criminal investigation. If you're in law enforcement and you think somebody committed a crime, you prefer to conduct an investigation without the target knowing that you're investigating them. The last thing you do is announce publicly, to start, that you're conducting an investigation. But that's exactly what you do when you want to intimidate somebody. And so that's why I believe what he did then was a violation of 518 of the Penal Code: Extortion of a public official through a threat in order to try to get them to not discharge their duty, in this case; he didn't want me to issue that report. And then when I did, he wanted to inflict the consequence. Since then, he has taken a number of actions against people involved in oversight, all of which designed, I believe, to intimidate them in order to suppress investigation of the law enforcement gangs and of his misconduct- alleged misconduct of various kinds, including the Escalante matter, the Kobe Bryant matter, and other instances which we tried to investigate but didn't. So I think it was the beginning of a process that he then developed as a way to prevent, the officials of the county from conducting oversight over him as they're required to do by law. And I go into that detail because I don't think it's a coincidence the thing that I reported here I think was a part of that process.

Herrera: Right and I think it's good for context so I appreciate the background information. With regards to that issue, was there any kind of outcome or.. was there any kind of admonition from the Board about his behavior or was there any type of followup?

[redacted] A bunch of things have happened. The Board did respond and say 'No we're not going to remove [redacted]. We agree with you; there's a conflict, but the conflict is for you to investigate [redacted], especially based on what you are claiming to investigate him on.' What he claimed was my crime was that when he was about to be sheriff, we discovered that the Sheriff's Department had a set of internal documents related to discipline that it kept secret from us, which was in violation of law, and we brought this to their attention and said, 'You need to provide us these hidden files.' We used to have computer access to their discipline records and suddenly we learned that all the runs we'd been making had been inaccurate because some of them, some records just weren't visible. It was as though they never existed. And it was a mechanism used to protect sensitive documents and make them only visible to the people in Internal Affairs. Which wasn't a bad thing; it's just the way- the mechanism they used was bad. So we brought that to their attention. They hemmed and hawed and didn't get around to complying with us, until the sheriff- the current sheriff -won the election. And then pending his election win, [redacted]



[redacted] but he tried to frame that as a crime and presented it to various folks to try to get them to be interested: the FBI, the AG, and this has all been testified to by Del Mese recently at the Civilian Oversight Commission. So that's--

Herrera: What's the last name? I'm sorry.

[redacted] Del Mese?

Herrera: Yeah. How do I spell it?

[redacted] Del Mese's last name is spelled D-E-L is one word and then the second word is Mese, M-E-S-E. And he was the sheriff's chief of staff. He was on his transition team and became his chief of staff. He was dismissed from that position maybe a year later, but at the time he was being- when these things were happening, Del Mese was his chief of staff, and

at the time that the sheriff threatened me in June, Del Mese was still his chief of staff. And Del Mese testified on July 1st about some of these facts. So the sheriff put together that criminal case, tried to sell it to the FBI, to the Attorney General, to the DA. Nobody bought. He got a letter from the Civilian Oversight Commission, or Murakami, his number two, did, saying, 'You know it's a conflict for you to investigate the [redacted] You shouldn't be doing that,' and Murakami said, 'You know you're right, we agree. We're going to give it to another agency when we reach an appropriate point of handoff' - this is the term he used. They never did. They kept it over my head for years, and the Board had nothing they could do other than say, 'No we're not going to remove [redacted] until near the end of last year and the Civilian Oversight Commission got some traction with getting County Counsel to ask the attorney general to step in.

Actually I've got two agencies- it's- No that's right, I'm confusing two things the attorney general did. [redacted] But we're not going to, like, take over the Sheriff's Department.

When that happened, the sheriff publicly said, 'Well I've already submitted the case on [redacted] to the attorney general. I did it a couple of months ago. So supposedly - I think it was around November of last year - he had submitted it to them for filing and asked them to prosecute me. I haven't seen those documents 'cause it's all part of the criminal investigation, but if it's what I think it is, it's a violation of my constitutional rights because he doesn't have any probable cause. What I did was provided for in my job description and in writing with the approval of the then-sheriff Jim McDonnell, so. So that's kind of the arc of that. So the answer is yeah, there was a response; it wasn't terribly effective in controlling the sheriff's behavior because he has placed himself above the law, and because the mechanisms for dealing with that are slow. But, it is now before the attorney general. There's some

attorney general in San Diego whose job is to review the filing and decide whether or not he should prosecute me. So I'm still under threat of arrest, but I don't really expect to be arrested since Del Mese has testified that everybody- all the professionals who looked at it said there's no crime here, including the sheriff's internal people. So, you know, it's an elaborate process. I apologize for the long answer, but--

Herrera: No that's okay. And I--

[redacted] The complete answer is even longer, so I'm gonna stop there. But yeah, there was a reaction, but it's, you know, it's complex and it hasn't changed the situation completely.

Herrera: And so my question is, does that end up dovetailing with the racially biased emails and some of this other stuff? Is that- Do they dovetail together or is it, this happened and then there's a chunk of time where there's not as much going on and--

[redacted] No no, there wasn't a chunk of time. I mean, I haven't gone into all the details regarding all the things the sheriff has done, endlessly since then. But the fact of the matter is, there hasn't been a chunk of empty time. The thing I described happened. He then went to, you know, he runs the sheriff's department, so events happen. We report on things. There's discussions publicly. He has a number of times attacked me in the press, claimed that I am corrupt and that I'm a liar. We had a number of run-ins at the Civilian Oversight Commission. They kept- the sheriff just kept sending his staff there to say, 'When [redacted] tells you that he's not getting cooperation in his investigations, that's not true. We give him everything he asks for.' So I had to present to the Civilian Oversight Commission a series of emails in a PowerPoint - I provided the emails detailing the numerous requests we've made and showing the email responses showing that they never gave it to us. And I had to do that twice. The first time was in a presentation to the Civilian Oversight Commission and then a year later I issued a formal report that's up on my website called Unlawful Conduct At the Sheriff's Department and it details a whole series of our investigations that were thwarted as a result of the failure to provide information.

So the false narrative that he's put out to the public, is that I'm a liar and he still to this day continues to do that. And that's gone on nonstop and it's been supplemented by a tax on other individuals: [redacted]

[redacted]

So he took a series of actions throughout this time that have never stopped, including targeting [redacted]

So he's done a series of things like that that haven't really stopped, nonstop. And so I do think- the thing that I'm talking about now is just the latest in a long line of them. It's not like he was silent for a while and then popped back up. And that's why I sent you before this conversation that email I'd gotten with the post recently from [redacted] in which he details in his letter to [redacted] you know, all these- his complaints about various things, including using my name as [redacted] and then at some point [redacted], spelling it a third way--

Herrera: I saw that.

[redacted] --and a variety of stuff. Well that guy, [redacted] So when we get into more detail about the actual CPOE claim and the holocaust accusation, which is the second thing I sent you -his claim that I'm a holocaust denier- I think he gets that from [redacted] I think [redacted] is his supposed source based on my reading of that document that you saw, as well as other things that [redacted] has said. Before the sheriff ever in that communication to the department called me [redacted] had used that name as well and nobody else had. Nobody else calls me that.

Herrera: And I want to definitely get to the [redacted]. I appreciate you sending me that email and I looked it over. I did want to look at- talk to you about the email that, you know, that was kind of the genesis for this complaint itself, right? So my understanding is that there was an email that was sent by the sheriff. Can you give me some more information? And I don't think it has the date, the information that I have I don't know that I have the date of the email, so do you have--

[redacted] I saw you don't have it. I thought I had forwarded it and so you should've received it. I can try to track it down for you and try to get you another copy. But bas- I don't remember the date. It was earlier this year. But when he sent it, it was- you know, one of the points when he was attacking me publicly, it was sent around to the whole department, I believe, and he again accused me of - I forget what the particular issue is 'cause he accuses me of lying or being corrupt or, you know, whatever - but in that email he referred to me as [redacted] with a [redacted] and that's the thing that caused me to report it, to the CPOE because I believe he was intentionally- He has a base of extremist groups - white supremacists basically - who he dog whistles to and lets them know who their current target is, and that's how he got [redacted] to be targeted; that's why [redacted] had to get security; and by saying [redacted] I believe he was trying to say to those guys 'This guy's a foreigner; he's either German or Jewish or

both' and we now know with the Holocaust denier thing, he wasn't trying to sell to anybody that I was Jewish because he was claiming that I denied the Holocaust. But I think that my German descent was what made me a target for him because I would be an easy target, in the same manner that he targeted [redacted], I believe, because she was an easy target. He liked to target a lot of people, anybody who was a critic of his, but some people because of their race are easier for him to set up as scapegoats with his base who listen to him, including people within the department.

Herrera: Actually with [redacted], I believe he sent out something in the past where - I don't know if you're aware of it - I think where he looked at her Twitter feed.

[redacted] Oh I'm very much aware of it.

Herrera: Right. And where--

[redacted] I don't know, because my ability to investigate has been obstructed, but if I were investigating, I would investigate my belief that that's part of what he has that dirty tricks squad doing. They're supposedly investigating crime and the sheriff uses his criminal investigative authority as his shield to tell 'Nobody can ask any questions about what I'm doing'. But what I think they're doing is political work. And he had somebody go through all of [redacted] social media to mine statements that he thought were obnoxious. And then he put them together in a long list and sent them.. a year and some change ago to the Board, particularly to [redacted] boss, to complain about her. And then a year later, more recently, he sent it again. And that was after he had taken the shot at the Chinese company that was providing COVID testing. Part of his sort of strategy for remaining sheriff is to appeal to the deputies' union and he described to [redacted] of the Times, his staff as being 80% conservative and right-wing. Now, I'm not sure that that estimate's correct, but that's his viewpoint of his staff. I do know that there is a certain percentage of his staff who are very extremist on the right and who are very anti-Chinese, and he was using that racial component to try to beef up his standing with them, and with voters who- the right wing of voters who he thinks he can get to reelect him. But at the same time, it creates, I think, a great danger to the, the people he targets because these folks are- these are dangerous people. And so that's why I connect these events. What he did with [redacted], I don't think that's a coincidence. Now he could've done it with anybody and he could've done it irrespective of race. But I think he targeted her because she's Chinese.

Herrera: Do you have any sense of how many people he has on this squad or, or how many people are [indiscernible]?

[redacted] I think it's about a half dozen or so and I think it's changed a little bit over time. In the early days when he first started it, he hired a guy back to the Sheriff's Department called Lillienfeld and he was a guy - I don't know if you're familiar with him, but - if you were to Google him, you'd see that he had left the Sheriff's Department years ago and he went to work for the DA's office on a contract basis, and he got caught sneaking into the jails. He put on his old sheriff's uniform and snuck into the jails in order to bring contraband to an informant. He did it for the cause of good and justice, because he wanted this informant to help him with a murder case for the DA's office. And the contraband was, supposedly just a burrito -although nobody knows because he snuck it in- but he did it after being told no, he couldn't do it, by the Sheriff's Department. And then he used his old uniform to pretend that, you know, that he had permission and snuck in contraband.

Herrera: Can you spell his name again?

[redacted] Lillienfeld?

Herrera: Okay, there you go. I've heard- I just didn't hear it, yeah.

[redacted] Yeah, and that happened. I mean, it's on video. What you think about it is questionable, but the event happened. So he rehired that guy and I think he rehired him because he knew this is a guy who'll do whatever I ask him to do. He'll pull out every stop. And he put him in this unit and he also had a guy who's a computer guy, and the computer guy did a lot of computer work for him. Allegedly, I've heard numerous times over the years that he's bugging my emails and, you know, accessing stuff. I'm not sure I believe it, but I have a bug sweeper in my office as a result that I use from time to time, to try to, you know, at least have some kind of protection against it. But other people do believe it and I've been told that over and over. That guy's on the crew. So I wouldn't be surprised if that team was put onto the process of gathering stuff. But the sheriff has a lot- also has- I mentioned the PR firm he wanted to have the county pay for for him. He never got that. So instead he converted the Sheriff's Information Bureau, which is supposed to provide information to the public, which the sheriff has a legal duty to provide and doesn't, he turned them into his PR firm. So they're run by- or were run by a guy named Satterfield, a deputy, now a captain I think, because he's been [redacted] who would put out PR stuff for the sheriff on a nonstop basis. And it's possible that that team did the work as well.

But it's also possible it was done as a supposed criminal investigation. I haven't been able to investigate that. But the bottom line is, I think he collects dirt on his political opponents and then tries to figure out a way to hurt them and he turns most easily to race-based techniques 'cause I think it plays with the people he's trying to curry favor with and he uses whatever means are available to him to do that including public funds for- that should be used for criminal investigation or, in the case of SIB, should be used for Public Records Act requests, you know, all sorts of things. So that's kinda the way I see it unfolding and why I see these things as connected.

Herrera: And in terms of your name being [redacted], is that.. a name that you've ever used publicly? Like, as your name?

[redacted] The story of my name is that when I was born I was named [redacted]. My [redacted] was German, and he came- his [redacted] was a soldier with the Nazis, and he supposedly couldn't carry a gun 'cause he had employed Jews before the war, but they lived in Nazi Germany. His [redacted] hid in the woods to avoid being conscripted and when the war was over, he decided that was not a good place to hang out. So he came to Canada and then he came down to San Francisco, where he met [redacted] and [redacted] me. And he wanted to name me a German name. They settled on [redacted], which was a hyphenated name of [redacted] of his; [redacted] was one of 'em and [redacted] was the other. The [redacted] that's in that name is the Swedish spelling of [redacted] and that's 'cause this guy just happened to have the Swedish spelling; I don't know why. This is all stories I've heard from [redacted]. [redacted] quit working when I was born, was doing a lot of drugs, once left me on a street corner to teach me to be self-reliant and after [redacted] and [redacted] got divorced, not long after that she moved down to LA to get away from him.

After that, he left America. He went to New York for a bit and then he went to Sweden and got himself a [redacted], and lived 'til the day he died in Sweden taking care of a [redacted]. He didn't do that with [redacted] and I believe that's because of Nazi Germany. I believe he was raised with a violent hatred for authority. He was an amateur boxer and, you know, he liked punching people. He was a con artist. He actually supposedly did some time in custody. I mean, he was just a piece of work - as a result of the Holocaust. Not what was done to the Jews but the way Nazis functioned, and I think they did a lot of damage. I don't claim that's as bad as the Holocaust, but it had a direct impact on me. So the idea that I would deny the Holocaust is crazy. I have no love for Nazi Germany; quite the opposite.

But back to the name part. So he names me [redacted]. When I was a kid, I said to [redacted]--

Herrera: I'm sorry, [redacted] what was the last name?

[redacted] [redacted]. I pronounce it [redacted] because that's the German pronunciation and I'm telling you about the early life.

Herrera: And how is that spelled?

[redacted]**:** [redacted]

Herrera: Okay. Sorry.

[redacted] And that's- [redacted] is a first name with a hyphen. I have no middle name, never had a middle name.

Herrera: Got it.

[redacted] So when I was a kid, I told [redacted], 'I don't want to have the name [redacted] That's [redacted] name. I don't like [redacted]. I like you. You raised me.' Sorry, I get a little emotional about this - I apologize - when I think about it.[redacted] said 'no'. She said 'When you grow up, you can do whatever you want, but until then I'm not changing your name.' So when I grew up - and by growing up, I mean I went to law school, and I was a law clerk at the firm [redacted]. And I got one of the partners there to help me change my name. And I went into court and legally changed it, from- to [redacted] from [redacted] I didn't get rid of the [redacted] legally. So I was [redacted] on paper. I never used [redacted] and nobody ever knew me by that. I just went by [redacted]. And when I became the [redacted] I got lucky and I- I can't really tell you how this happened, but one way or another- 'cause I would use [redacted] and I would write [redacted] on most things, but like on my tax returns I'd write [redacted] and the state bar had me down as [redacted] So, like, you know, my formal name was [redacted] I never hardly used it.

Somehow or another I got a passport that had [redacted] on it, just [redacted] and not [redacted] and so as a result, under California law you can't change your name unless you go to court and do a bunch of things that I didn't want to do, unless you have some documents to show that your name is this other thing. So as soon as I had a passport that said [redacted] on it, I was able to go into the DMV and go, 'Look, my name's [redacted]' and they changed my name to [redacted] And I was able to go to the County and say, 'Look, my name is [redacted] and they changed my name to [redacted] So I

changed my name everywhere to [redacted]. But on some obscure county computers, they never changed it correctly and the state bar still had me down as [redacted]. But in all other contexts: federal government, county government it's [redacted] and I never ever use [redacted] to talk to anybody. Nobody would ever tell you, 'Oh that guy's name is [redacted].' There is one cop I used to work with in the DA's office who used to call me [redacted] just as a joke, and that was it.

But I'd never gotten the state bar changed until the sheriff did this and then I called them up and said, 'Guys, can you pull that?' So they said, 'Yes, yes we'll make you [redacted]' Now if you run me on the state bar, there's an entry for a guy named [redacted] and there's an entry for a guy named [redacted], 'cause they didn't change it; they just stuck another one in. So that's the story of how I use my name and that- it's a long slow burn, all from the fact that I didn't particularly like [redacted] very much. And I didn't want to have anything to do with him. When I got to turn over a new leaf as [redacted], I, 'you know what, I'm just dropping that [redacted] part. I won't even do that,' 'cause I'm not a German. I've got nothing against Germans particularly, aside from Nazis, but I'm not one; I'm an American. He came from Europe and, you know, [redacted] raised me here in America and, you know, that's who I am. So anyway, that's my story.

Herrera: And what's [redacted] heritage?

[redacted] Well, [redacted] came from Canada - white, generic white. [redacted] came from Canada. He had come back years earlier from Scotland. I think he actually came from Scotland or maybe [redacted] did or something. But he, he came down out of Canada and on the other side, on my [redacted] side, they were, like, Daughters of the American Revolution. Her [redacted] had been here, like, before the American Revolution. They came- supposedly the story- my [redacted] tells me this isn't true, but my story was that we were related to [redacted] of the Pocahantas story, 'cause one of our ancestors was [redacted], but my [redacted] looked into it and said, 'No that guy had no kids. So you might be related to him, but you're not a descendant of him.' But in any event, they were just Americans, you know, white European-type Americans but not, not anything else.

Herrera: Would that be British if they were Daughters of the American Revolution?

[redacted] That side, on that side. If you want to divide me up, on [redacted] side it's half British with a little bit of, like, French or something in there, and on [redacted] side, it's mainly Scottish. So it's like British Scottish

on her side and then on [redacted] side, he's pretty much German with a little bit of Russian and I think a little bit of Polish.

Herrera: Okay.

[redacted] But in terms of culture, he didn't raise me with any kind of German culture or anything and [redacted], by the time, you know- [redacted] was a hippie. She was a beatnik; she wasn't a hippie. She was before the hippies.

Herrera: San Francisco.

[redacted] Yeah exactly. [redacted]. You can't get more beatnik than that.

Herrera: That's a very auspicious beginning.

[redacted] So, you know, that, to the extent that I have a culture, that's my culture. And I've had this conversation with people, you know, I don't feel- I feel like I'm a cultureless person, other than being an American. It's not like it's a supremacy thing at all. I'm not in favor of that approach. I'm jealous of people who have a real culture. And so it's a thing that I wish that I had and I think that's part of my own read psychology 'cause of [redacted]. But the bottom line is, I'm not German.

Herrera: Right. Now, my understanding is that there was a KFI.. So there was the email that went out and do you recall who that email went to that the sheriff had sent?

[redacted] I think it was the entire sheriff's department. I'll have to track it down for you since you didn't get it. I sent it in to CPOE and I'm sure I've got a copy of it somewhere.

Herrera: I can hunt it down myself as well. I just didn't want to delay talking to you because I think it [indiscernible].

[redacted] No no no, it's not important. But it was- Yeah, it was- I think it was sent out to the entire Sheriff's Department. But it's not, it's not- There's more than one time he used that [redacted], and he talked about it, and I think on KFI he talked about, 'Oh we need to look into why, why did he change his name? What's he trying to hide?' you know. And so, to be clear, like I said, I gave you the reason I changed my name. Since 1991 I've worked for the county and was a [redacted]. I'm not hiding a secret past. You know, there's no fraud or process by which I changed it in order to conceal who I am

in any way, shape or form. It's just I don't like to be associated with a culture that I'm not part of.

Herrera: You mentioned - and I didn't ask this, but - so you were a [redacted]

[redacted] When I graduated law school in 1991, I joined the [redacted]

Herrera: So when you changed your name, was that while you were in law school? Like, was that a job decision?

[redacted] Yeah, that was- I became [redacted] before I joined the [redacted]. So as a kid I'd been [redacted]; when I was in law school I was [redacted] until, like, my senior year and then I was [redacted]. And then when I graduated from law school and joined the [redacted], I was [redacted] So nobody in the [redacted] ever knew me as [redacted]

Herrera: Okay, got it. Because you mentioned you worked at [redacted] so I just wasn't sure of the timing of that. Was that during law school?

[redacted] I was a senior- not senior, a summer law clerk after my second year of law school.

Herrera: And so.. aside from the email- So then the KFI, the KFI radio call, do you recall what was said during that KFI radio appearance? And was there more than one or is it just one appearance?

[redacted] I don't now recall. On KFI he talked about it and, like I said, it used to be kind of clear in my head, but then when he went to the Times Editorial Board and told them I was a Holocaust denier, it kind of made the details of what he said about my name irrelevant to me. So I don't remember precisely what he said on KFI.

Herrera: You did say something to the effect of, you know, that they should look into why he changed his name or what is he trying to hide?

[redacted] Yeah, I mentioned that. He said that somewhere; I think that may have been on KFI. I don't remember now where he said that, but that's, like, a thing he likes to say and he said the same thing to the Board. But he likes to say, 'Well, somebody should look into that.' He does- he's very fond of, like, Facebook Live videos and Instagram videos in which he'll

have, like, a chat and he'll sit there at his desk and he'll pull pieces of paper and talk about them, like a talk-show host or something, and then just sort of ruminate about them. That's how he talked about [redacted]. He said, 'Woah, I just got this in from.. from Vivian, oh thank you. Oh, somebody should look into this,' you know. And he effects this kind of casual way of talking about things and I think it was in the same context. He said, 'Somebody should look into that,' as sort of a vague allegation that there's some nefarious reason for why my name changed.

Herrera: Did you feel like he was casting aspersions or trying to make some type of negative inference?

[redacted] Yeah, absolutely. Yeah, definitely.

Herrera: And I know you mentioned that you believe it may have been, like, for example, a dog whistle, but if his people are these radical, maybe right-wing, wouldn't that be more in line with their viewpoint if you were.. you know?

[redacted] It might be if he had presented me as an Aryan, but he didn't, you know. So that's why when he first did it, my take on it was he was trying to imply I was Jewish. And that would be what I was- that's what I thought he was doing. I may not have been correct about that, but that's just- that's how I took it. And so that's the way I took it. What I think was really going on- I mean, again, it's, being a foreigner I think is the main thing. So you're right; if white supremacists really cared about, you know, true Nazism, then none of them would qualify because most of us here in America are not the Aryans that the Third Reich was obsessed with. But that's not how we look at the world.

Herrera: Maybe the Third Reich weren't all that Aryan either.

[redacted] Right, exactly. That's my understanding too, but you know, that's ancient history, but for here and now, I think it's really more about an ideology and a way of looking at things and again, I think he was simply designating me as a target and as an 'other' and he didn't really care too much about how people took it. Other than they knew: this is a guy who is an enemy of ours. In the same way that recently the Board had voted to, put before the voters the right to remove the sheriff with a four-fifths vote. As soon as that happened, that was put out on Breitbart, the highly conservative outlet, about it and how Democrats were trying to take away the rights of, you know, a favored sheriff, and immediately there started to be a series of Twitter feeds from right-wing extremists in Florida and other places talking about how outrageous it was. I think

that's the technique that the sheriff uses. It's more about designating the target than about the details of why deputy designated. I think he selected these things because they play well, because the race angle plays well.

But now in hindsight, I think he probably had already had a bunch of conversations with [redacted] about not just the name but about the Holocaust-denying claim. And so I think really he was setting that up. But at the time, I didn't know that. I thought what he was doing was just trying to make me look like, you know, I'm the target. But I think really what was going on was he was preparing for the next one. And of course, it's weird to say somebody's Jewish and a Holocaust denier. So I assume that was not his plan. But again, I think he's getting this stuff from [redacted], who's a little bit crazy I think. From the document you saw, you know, he's- When we subpoenaed from him, he had an interchange with Lillienfeld, the guy I talked about before, when Lillienfeld recorded him- or, [redacted] recorded Lillienfeld while Lillienfeld was kind of threatening [redacted], telling him to back off 'cause he had sent some emails to Murakami. And so Lillienfeld had been dispatched, or voluntarily dispatched himself, to tell [redacted] to settle down. [redacted] recorded it all; we subpoenaed it; he refused to provide it; and I think that's when I got on [redacted] radar as somebody he was going to target. And I think the sheriff had already, taken [redacted] as an ally, used him in his process to try to get a search warrant.

So I think he got from [redacted] the 'Hey I think I've got some dirt on [redacted] I think he's a Holocaust denier. I think he's a bad guy, this is what I think.' I don't know where he gets that from because I have never denied the Holocaust. There isn't some old college paper that I wrote in which I question the Holocaust. You know, it never happened. My guess is that [redacted] ran some database and found some name that sounds kind of German, you know, of somebody who denied the Holocaust. But it sure wasn't me.

Herrera: So with regards to, for example, once the email the sheriff sent and then, for example, the KFI, the radio show he's making these statements, did you receive any type of emails or any type of calls or any type of negative attention? Have you received any kind of…

[redacted] Once he accused me of being a Holocaust denier to the LA Times, you know, in a very public way and it became an Op Ed in the Times and a whole discussion, and a number of media sources talked about it because it was such an outrageous claim, especially - I don't know if you watched the video of that, but if you think it's relevant, you might

want to pull up the video - but that Op Ed I sent you kind of encapsulates it. They asked him, 'What's your evidence for that?' He said, 'Well I'm not going to tell you.' And they said, 'Well if you're going to accuse somebody of such a horrible thing but not provide any evidence, should we believe you?' And he said, 'Yes you should believe me.' I mean, it was kinda nutty, so it became a story. After that, I did not receive any death threats or any weird emails from crazy people any more than usual. I certainly have had an increase in, like, when I monitor comments on, certain websites like Witness LA or other places, where there's always kind of a chatter and I'm always kind of the enemy in the eyes of these extremists. I mean, there's certainly stuff like that, but there wasn't a lot of Holocaust stuff because - I shouldn't say because - the sheriff had previously already presented me as sort of his main enemy and there's always been a lot of attacks on me like that. But I didn't- I didn't notice any that were specifically Holocaust-related. I did receive a lot of communications from people I know who, you know, expressions of sympathy and ironically most of them from friends of mine who are Jewish. Because I think if you're Jewish, you know how disgusting and deeply offensive that allegation is. I think if you're not Jewish, it seems wrong to say that about somebody, and if you're Jewish, it's evil. And so a number of my friends who are Jewish were like, 'Oh my God, [redacted] I can't believe you said that. That's horrible,' you know. And so it's actually been a pretty positive thing.

[redacted], which is what I kind of forwarded to CPOE, to go on the record and say, 'Look, it's not true,' because it hurt me so deeply, for the reasons I described. I'm not Jewish, but I have a certain connection to the Holocaust that is not positive. And so I take it to heart more than maybe I otherwise would. I don't know. I don't know what a person would think if they were called that, if they had no connection, I don't know. But all I can tell you is emotionally for me it was hideous. It's still hideous. Like I say, I was tearing up talking about it. But when I was tearing up when we were talking, that wasn't because of the Holocaust; that was because of my history, [redacted]. I'm like an eggshell plaintiff in this. It's not just the threat and the insult and the allegation; it's what it means to me personally.

Herrera: Can I take just a one-minute break? I locked [redacted] out of the house, so (laughs).

[redacted] I'll just sit here. Go ahead, don't touch anything and come on back when you're ready.

Herrera: I'm so sorry. I'll be right back. I'm just going off the record at 3:15.

Herrera: Back on the record. It's 3:16. So, my understanding is that I think on March 31st, you sent - or was it 30th - you sent an email to, is it- I don't know what the DCO stands for: Deputy Chief Officer Seiberg, or Seeberg? - regarding the Editorial Board comments, the comments to the Times about being a Holocaust denier, do you recall doing that?

[redacted] Can you give me the spelling of the name you're saying?

Herrera: S-I-E-B-E-R-G.

[redacted] I'm sorry, I don't know who that is. I probably did do something that created what you're talking about and, as I recall it, I sent an email to the Board and then I decided 'No, I'd better tell this to CPOE because it' - Oh I think you're fro-, no you're there; I was afraid you were frozen - 'I think I'd better tell it to CPOE because not only, not that I'm complaining about it because, for the reasons we discussed in the beginning, I'm very cynical about whether or not the sheriff is going to discipline himself, but I figured I had a duty to my employees to do something about this because CPOE rules are pretty strict about reporting when you're aware of certain facts.

Herrera: Right.

[redacted] So I sent it- I would've said I sent it to Vicky Bane, who's the head of CPOE, but I'll bet you whatever I sent somehow generated the thing that you're referring to.

Herrera: Okay. And then, I think as a followup--

[redacted] Unless Seiberg is Sheriff's Department. That could be an echo of what I sent.

Herrera: It could be.

[redacted] It could be, 'cause I sent something to Vicky Bane. The process for CPOE for everybody else in the county is the CPOE investigates. For the sheriff's, they get to investigate themselves. So whenever there's a CPOE complaint regarding the sheriff, they forward it to the sheriff. So that may be the forwarding from the county CPOE to the sheriff's department.

Herrera: Right. And then it makes reference to.. I think on April 1st you communicated with this person and it may be that they are in the sheriff's office, stating that 'I'm not blaming you, but be sure to tell all

the victims you interview that the LASD CPOE process is not confidential and the sheriff will discuss them with the media.' So I think that gets into that last point of…

[redacted] That person is the person I told you about who I talked to at the sheriff's department. She called me and then set up an interview and we had an interview, and we went through the same thing I'm going through with you. Not all of it at that point, but he had at the Times said, in addition to the Holocaust thing, he said, 'and [redacted] made a CPOE complaint against me, ha ha.' So that's why I said that to her. I'm, like, 'Look, the whole claim that it's confidential is a joke. The sheriff already was informed about it and he already told the public.' So.

Herrera: Okay, now I see what you're saying about the confidentiality, because I wasn't sure what you were referring to, but that makes sense.

[redacted] I was referring to his public announcement, the Times Editorial Board, that I had made a CPOE complaint against him. Which is completely in violation of CPOE rules. So that- I apologize, but--

Herrera: Not only they would be--

[redacted] --I'm a little cynical about the sheriff's process and whether or not it was going to be confidential.

Herrera: Right. I can only tell you that, I'm not talking to the sheriff. I guarantee that I'm probably not going to be his favorite person.

[redacted] No I understand now. I understand- it was the admonition you gave me 'from the Sheriff's Department' that threw me off for a minute.

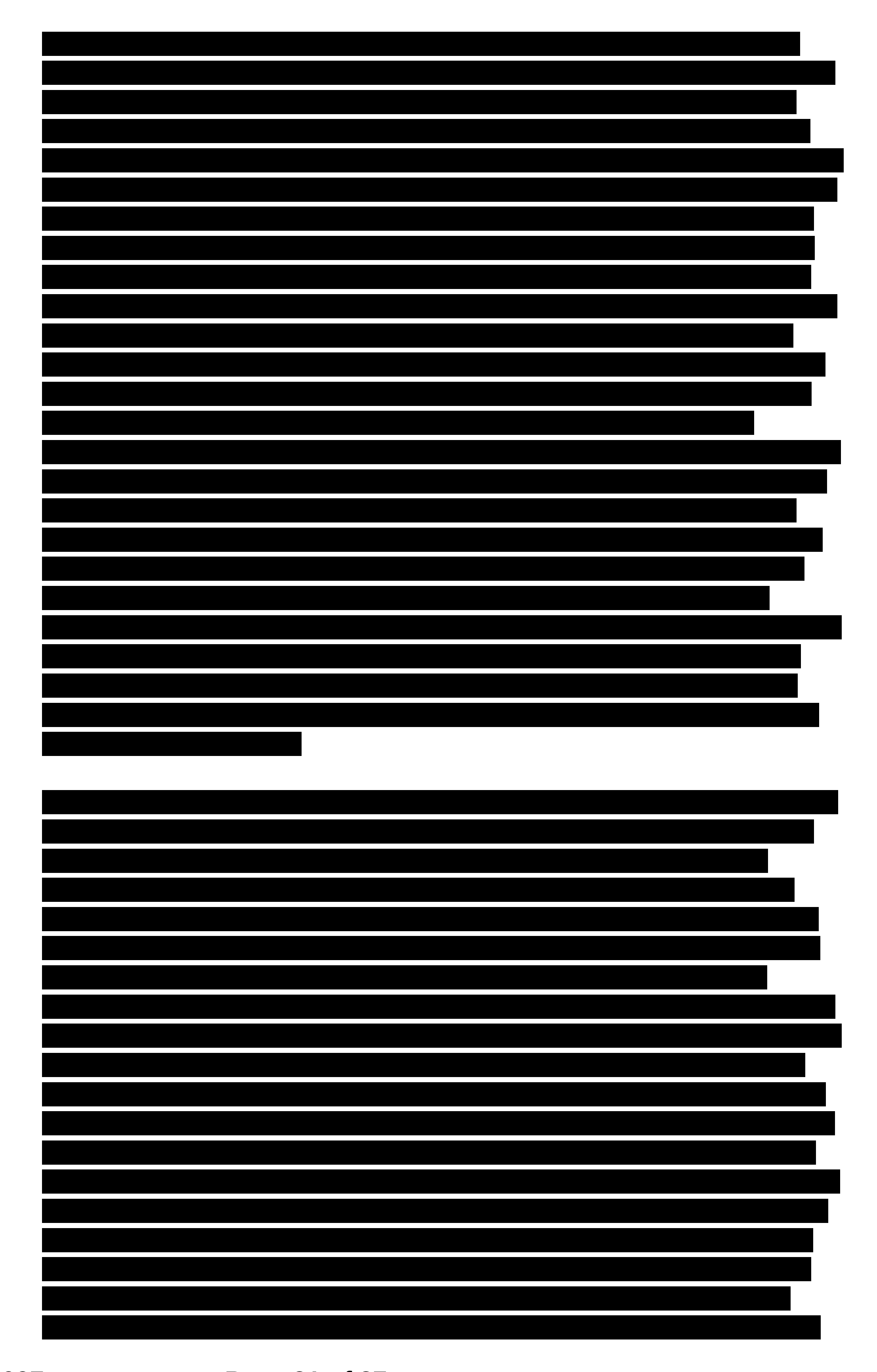
Herrera: Yeah and I apologize.

[redacted] Probably already, you get hired by County Counsel; County Counsel gave you a task: you're going to collect a bunch of stuff, you're going to give it back to County Counsel. If anybody tells the sheriff anything, it's going to be County Counsel. And to be clear, it doesn't matter. The sheriff already knows all these things. The sheriff knows that I'm no fan of his because I- Sorry, my phone froze for a moment - the sheriff knows because I publicly record all my criticism of him, so he knows how I feel. So if you did call up the sheriff right now and tell him that, it wouldn't do anything worse to me. He already is, you know, fixated on me as much as he is ever going to be. It's just that I'm really- As the [redacted] for the county, and it's my job to protect the constitutional and other rights of our employees and the public from the

sheriff, when I'm aware that the sheriff is simply disregarding the rules of CPOE so he can target individuals, people like [redacted] come to mind. You know, I get paid for this. I used to be a prosecutor. I get paid to take on armed men and do gang busting. She doesn't, nor do any of the other people who he's targeted. So that's why I was a little frustrated with that whole process because it's just- it's so unfair and it's so dishonest, to the people within government service than when we allow somebody like this to engage in this conduct, you know. It just is very disheartening to me, to be a process that CPOE- I've been involved with in my office, and worked with CPOE in investigations and found them to be completely above reproach in their confidentiality and reasonableness in how they deal with things: very careful, very thoughtful, very sensitive to those making complaints and those who are being complained about and, you know, carefully gathering facts, and then crafting the solution that's going to protect people. I mean, it's an amazing process - until you hand it over to the sheriff. So that was my point.

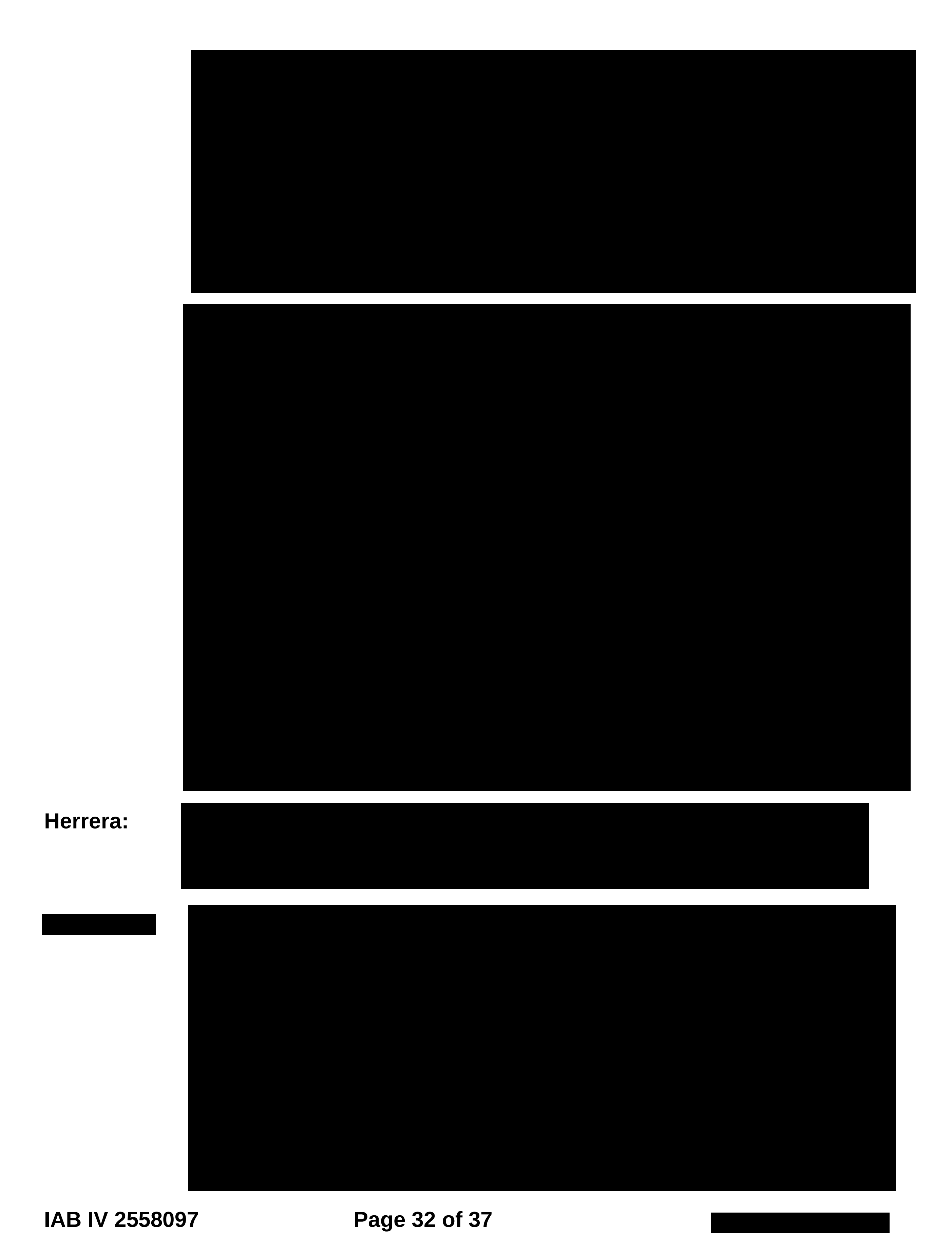
Herrera: Okay, so that makes sense. Now I get it. And then- just going back- I think we're almost done, but going back to [redacted], I just want a little bit more information about who exactly he is 'cause I did read - and again, thank you for what you had sent to me - but I'm trying to understand exactly who he is and what your relation or contact has been with him.

[redacted]



[redacted]

[redacted]



[redacted]

Herrera: [redacted]

[redacted]: [redacted]

[redacted]

Herrera: Personally.

[redacted] [redacted]

Herrera: And it sounds like the only place where you might've had a public.. where the name [redacted] was used publicly was the maybe the state bar.

[redacted] Yeah, if you look me up on the state bar, it used to say [redacted] now it says [redacted] or [redacted] depending on which one you pull up. But before I changed that, which was when this was all going down, if you had, you know, typed an attorney search, it would say [redacted]. And so my- I have no basis to know this, but my guess is that [redacted] did that: pulled up my name, said 'Hmm this is interesting, I'd better look into this,' and started running my name and, you know. I've done the same thing. I Googled. I was, like, where the hell did he come to this? Is there some guy named [redacted] or [redacted] or something who's a Holocaust denier? And I didn't find anything. But I think [redacted] has more free time on his hands and I think he probably found some Holocaust denier database that is kept by somebody and found some name on it that is close enough that he decided that's me.

Herrera: And you say he used your name in the past. Where do you recall him using your name?

[redacted] Either in email communication or maybe in some posting on the AMFED, but I don't recall precisely where I saw it. I could try to hunt it down.

Herrera: So would you say that, if I look at his site there's going to be more than that, like more references to you in his site, that there's more than that?

[redacted] Not much. There's a lot of weird stuff on his site and it's come and gone. He mentioned me on the site once or twice I think, but not in any great detail and I- He might've said [redacted] there, but he might've also done it in one of those emails he sent; I don't remember. All I know is, when the sheriff used [redacted] I was, like, 'Woah that's weird!' and then I thought, 'Hm, I've seen that before; I've seen that from [redacted] because I think at some point he had used it in passing. But this letter that you see recently where he uses it repeatedly, as [redacted] in parentheses and then calls me [redacted], or whatever he does, spells it a different way, that's the first time.

Herrera: Oh no, I'm saying okay, yeah.

[redacted] Yeah, that's the first time he's, like, really gone into detail in writing that I've seen. So that kind of makes me think I was right about my guess about where the sheriff got this from, but I don't know.

Herrera: And to your knowledge, do you have any sense of whether he's talked to you on KFI more than just the information that you provided in terms of that radio call?

[redacted] The sheriff talking about me on KFI?

Herrera: Uh-huh.

[redacted] Oh yeah. Oh no, I gave you just a little tiny bit having to do with this issue. The sheriff talks about me all the time on any media outlet he can: FOX, Hannity, the.. he does an Instagram, does video sometimes, his Facebook videos, and he regularly talks about me 'and my evil ways'. Many many times over the past years.

Herrera: And is he referring to you as [redacted] in those talks?

[redacted]**:** I don't know that he does in most cases. When this happened, he- there was a brief time where he seemed to use [redacted] more often, but I think he lost it, his attention wavered a bit and so. Usually in correspondence he'd call me [redacted] and he had previous to this until he did that a couple of times, and subsequently he's gone back

to [redacted], with a few exceptions here and there. But in general he does not call me [redacted]. He doesn't, like, every time call me [redacted] and, you know, make a big deal out of it. That's not the case. Usually he calls me [redacted] 'cause that's the name I use and that's what people know. If he talks about [redacted] nobody's going to know who it is. But, now and again he's done it, but not every time at all.

Herrera: When he got the scrutiny after the editorial, the comments to the Editorial Board, did he go back to using [redacted]?

[redacted] He has, but I didn't get the impression he did it quickly as a reaction or something, but I don't know. Yes, like in letters and things, they still use [redacted], but they never really went away from it. Like I say, he always threw the [redacted] in once or twice, and from that I drew- He knows darn well my name is [redacted]. He uses [redacted] in formal letters and so he knows. Whenever he uses [redacted] it's an intentional thing that he's doing to make a point. Like I say, I never got the impression that it was a habit. I don't think he switched to calling me [redacted] all the time. I think he did it in a couple of targeted instances. But yeah, no, he didn't- When he got the heat about the Holocaust thing, he didn't have a lot to say except for when the Times Editorial Board was talking to him, in which he said he had two sources, and he wouldn't say who they were. He didn't talk about it much after that, that I'm aware of. He may have, but I didn't hear about it.

Herrera: Is there anything else I should know? Anything that I've missed that I haven't asked you about? I know I've taken a lot of your time and I appreciate you being so available.

[redacted] I appreciate you asking all the questions. I'm sure I could think of lots more things to say, but I don't know that they'd be terribly productive and they'd take up even more of your time, so. I think I've kind of laid things out well enough. I think you get the gist of it and.. I'm available if you have any additional questions in the future.

Herrera: Thank you so much. I really appreciate it, and to the extent that there's any other articles or any other thing that you think I should be aware of, you're certainly- more than welcome to email it to me and send it to me. I obviously will be doing my own scouring of the internet to make sure that I've caught any type of references or any other referrals to it. But, you know, certainly with, like, for example, the KFI, you know, I'm probably limited in being able to know how many times he's mentioned you 'cause I don't know that they're really going to catalogue that. So if there's any other instances of that or anything else that you become

aware of, I'd be grateful if you would let me know. But certainly on our end we will make sure that we try to do our best to make sure we capture any other references so that we're aware of any other times where he's made those same kind of references to that.

[redacted] And if it comes up again, I mean, if he starts doing it again or something, I will certainly let you know.

Herrera: Great. Oh and.. I did forget my part of the admonition of "retaliation is not tolerated at the county. It is against, obviously, county, state and federal law. If you feel like you're a victim of retaliation in any way, I want you to let me know and I would escalate it to the proper person. Likewise, we ask that you don't retaliate against anyone who is participating in this investigation. All allegations of retaliation are taken very seriously." So.

[redacted] Let me extend to that. [redacted] and I have talked, about her concerns. She wanted me to be a representative for her when she thought she was going to be interviewed by the Sheriff's Department. So I'm glad that you are doing it and not them. I would very much like to protect her from retaliation. Me? I get retaliated by the sheriff every chance he gets and he would do that independent of this. So he's not going to retaliate against me for this; he's retaliating against me for previous things. So I'm not too worried about that. He's going to do everything he can and nobody can stop it. But [redacted] she's in a dangerous spot, you know. So if you ever find yourself in a situation where you're aware of some retaliation against her and there's anything I can do to help with it, please let me know. Because like you say, the County is supposed to stop people from being retaliated against and I think she's much more vulnerable than I am.

Herrera: Alright. And, you know, this type of work only works to deal with these types of investigations if you make people- you know, if you protect them and make every effort to maintain the confidentiality and so I am very mindful of that and will, you know, make every effort to.

[redacted] And obviously I'm not the first person you should call because that would be breaking confidentiality.

Herrera: Which I wouldn't do.

[redacted] But if in the course of finding something out you learned there is a problem and there's anything that somebody whose title is [redacted] can do to help about it, then tell the appropriate parties, 'Hey you know, [redacted] would jump at the chance to be helpful in this

regard.' I have informants who have had retaliation attempts from the sheriff and I have done things using my official powers to try to put him on notice, that we're watching and done things to try to protect informants myself. So I don't know that there's probably much- I mean, all the things he can do he does from a distance and he's going to do anyway, but, and he probably can't get under the skin and do the things that he does to his own employees, but.. anyway. It's a matter of more concern for me than my own personal retaliation 'cause I, you know, I know he's going to unload on me in every way he can every opportunity he gets and it's independent of this. It's not 'cause of this; it's not retaliation. But her, you know, she's a little bit below his radar and this process could quickly onto his radar and that's of concern. So I just mention it in case you find yourself consulting with County Counsel in an opportunity to suggest something, feel free. Just be aware that I would love to help if I could.

Herrera: Thank you so much for that information and I appreciate it. You have a great rest of your day. I'm going to go off the record at 3:38 PM. Have a good day. Thank you.

[redacted] Okay. Bye bye.

Herrera: Take care.

[redacted] (IAB) IV 2558097
WPU
plw

EXHIBITS

EXHIBIT A

For CISU Use:

(Method of Receipt)

Online

ICMS # 2022-112213

COUNTY POLICY OF EQUITY

REPORT / NOTIFICATION FORM

Methods of Reporting Potential County Policy of Equity (CPOE) Violations:

1. You may use this form to report a potential violation of the CPOE;
2. File an online complaint at https://ceop.bos.lacounty.gov (strongly encouraged);
3. Call the County Intake Specialist Unit (CISU) at (855) 999-CEOP (2367); or
4. Visit the CISU office at the Kenneth Hahn Hall of Administration building located at 500 West Temple Street, Suite B-26, Los Angeles, CA 90012.

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1. Do you wish to file this complaint anonymously?

☐ Yes **(Do not check 'Yes' if you are a reporting supervisor/manager).**

■ No (If no, please proceed to Question #2).

2. Are you filing this complaint for :

☐ **Yourself** (If filing this complaint for yourself, please start at Section A).

■ **Someone else** (If you are filing this complaint for someone else, please start at Section A).

☐ **Someone else: I am a reporting supervisor/manager** (please start at Section A).

Note to Supervisors/Managers: As a County Manager/Supervisor, it is the County's expection that the CPOE complaint notification be submitted online at https://ceop.bos.lacounty.gov.

Section A: Reporting Party Information **Today's Date**: 03/09/2022

Name	[redacted]	**Emp #**	[redacted]	**Title**	[redacted]
Work #	[redacted]	**Mobile #**		**Work Hrs**	
				RDO	

Department	BOARD OF SUPERVISORS	**Dept Head**	
Unit of Assignment	OFFICE OF INSPECTOR GENERAL		
Work Address	[redacted]		
Immediate Supervisor	JEFFREY LEVINSON		

Date & Time Form Completed: 03/09/2022 07:57 AM

Did the complainant notify a supervisor/manager of this complaint prior to now?

☐ Yes (if yes, fill in details):

Name of Supervisor Notified:

Date: NOT AVAILABLE

How:

☐ No

☐ Do not know

Section B: Complainant(s) Information

Name	[redacted]	**Emp #**	[redacted]	**Title**	[redacted]
Work #	[redacted]	**Mobile #**		**Work Hrs**	
				RDO	

Department	BOARD OF SUPERVISORS	**Dept Head**	Celia Zavala
Unit of Assignment	OFFICE OF INSPECTOR GENERAL		
Work Location	OFFICE OF INSPECTOR GENERAL		
Immediate Supervisor	JEFFREY LEVINSON		

Section C: Alleged Involved Party(ies) Information

Name	ALEJANDRO VILLANUEVA	**Emp #**	[redacted]	**Title**	SHERIFF/UNCLASSIFIED
Work #	[redacted]	**Mobile #**		**Work Hrs**	
				RDO	

Department	OTHER - Sheriff	**Dept Head**	
Unit of Assignment	OFFICE OF THE SHERIFF		
Work Location	HALL OF JUSTICE		
Immediate Supervisor			

Section D: Alleged Witness(es) Information (if they can be identified)

Section E: Nature of Complaint or Issue(s)

1. What is the date of the alleged potential violation(s)?: March 8, 2022

2. Please provide a detailed summary of the alleged potential violation(s):

   As reported by RP/CP [redacted] "...T[]he Sheriff sent an email throughout the Sheriff's Department that was a racially biased attack." RP/CP writes, " My birth name was [redacted] [redacted] did not participate in raising me and so I took [redacted] name [redacted] as a law student with the help of a firm I clerked for. As [redacted] I have never used any name other than [redacted] which is also my name on my driver's license and passport. A county computer system continues to incorrectly list my first name as [redacted] and the sheriff has repeatedly referred to me as [redacted] in public attacks. I believe this is dog whistling to the extremists he caters to as the more unusual name might lead some to view me as foreign (German or Jewish)."

3. Why does the Complainant(s) believe the treatment occurred/is occurring?:

   Race

Section F: TO BE COMPLETED BY SUPERVISORS/MANAGERS ONLY

Date & time supervisor/manager observed and/or was notified of the alleged potential violation(s):

n/a

How was supervisor/manager made aware of the alleged potential violation(s)? (Explain in detail):

What action(s), if any, did the supervisor/manager take? (Explain in detail):

Did the supervisor/manager ascertain whether Complainant(s) is/are in need of any of the following? (If so, please explain in space provided):

Medical Attention: ____________________

Protection: ____________________

Separation from Alleged Involved Party (ies): ____________________

Other Assistance: ____________________

Did the supervisor/manager advise the Complainant(s) that they:

May seek confidential counseling or assistance from County's Employee Assistance Program (EAP) at (213) 738-4200.

May contact the County Intake Specialist Unit (CISU) directly at (855) 999-2367, or via email at ceop@bos.lacounty.gov

COMPLAINT SUBMISSION

By submitting this complaint I am declaring, under penalty of perjury under the laws of the State of California, that:

- The facts set forth herein are true and correct and based on my own knowledge, except as to matters stated on my information and belief, and as to those matters I believe to be true;
- I believe that the facts alleged herein are jurisdictional to the County Policy of Equity (accessible at: https://ceop.bos.lacounty.gov), are not duplicative of facts set forth in previously filed County Policy of Equity complaints that I have filed, and
- The filing of this County Policy of Equity complaint is not a misuse or abuse of the County's Policy of Equity Complaint Process.

[redacted]

Printed Name

____

Signature

March 9, 2022

Date

OPTIONAL: Please provide the information below for statistical purposes only

Race/Ethnicity:

"The employer is subject to certain governmental recordkeeping and reporting requirements for the administration of civil rights laws and regulations. In order to comply with these laws, the employer invites employees to voluntarily self-identify their race or ethnicity. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information obtained will be kept confidential and may only be used in accordance with the provisions of applicable laws, executive orders, and regulations, including those that required the information to be summarized and reported to the federal government for civil rights enforcement. When reported, data will not identify any specific individual." - (eeoc.gov)

☐ Hispanic or Latino - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

■ White (Not Hispanic or Latino) - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

☐ Black or African-American (Not Hispanic or Latino) A person having origins in any of the black racial groups of Africa.

☐ Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino) - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

☐ Asian (Not Hispanic or Latino) - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

☐ American Indian or Alaska Native (Not Hispanic or Latino) - A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

☐ Two or More Races (Not Hispanic or Latino) - All persons who identify with more than one of the above five races.

Gender:

■ Male

☐ Female

☐ Prefer Not to Answer

Date of Birth: [redacted]

EXHIBIT B

For I.S.U. Use Only
Method of Receipt
☐ Telephone
☐ In Person
☐ POE Report Form
☑ Other: CPOE
Intake # 22-045

Policy of Equality
Report / Notification Form

General Instructions: Use this form to report a potential violation of the Policy of Equality. Non-supervisors may also report a potential violation of the Policy of Equality by calling the Intake Specialist Unit at (323) 890-5371 or visiting them at 4900 S. Eastern Avenue, Suite 203, Commerce.

****

Section A: Reporting Party Information

Today's Date: 03 / 17 / 2022

Name: [redacted] Emp. #: [redacted] Rank/Title [redacted]

Work Tel# [redacted] ; Home Tel# ______ ; Work Hours ____ - ____ RDO ______

Unit of Assignment: Office of Inspector General Unit Commander: Jeffrey Levinson

Division LA County Board of Supervisors

Name of Supervisor Completing this form (if different from above): B-1 Deputy Jonathan Lested # [redacted]

Date & Time form completed: 03 / 17 / 2022 1200 hours.

☐ Anonymous (Do not provide identifying information above if anonymous. You must, however, fill out the rest of the form. **Do not check if you are a reporting supervisor.)**

Did the complainant and/or alleged victim notify a supervisor of this complaint prior to now?

☐ Yes (if yes, fill in details)
Who: ______
When: Date: ____ / ____ / ____ Time: ____ hours.
How ______
☐ No
☑ Do not know

****

Section B: Date And Time of Potential Violation

Day, Date and time alleged violation / alleged incident occurred: 03 / 08 / 2022 ____ hours or between ___ / ___ / ___ and ___ / ___ / ___

If multiple incidents or unknown, explain:
See narrative.

****

Section C: Alleged Complainant(s) (if not the same as the Reporting Party and if they can be identified)

Same as RP Employee # ____ Rank/Title ____ UOA ____
Work Tel# ____ ; Home Tel# ____ ; Work Hours ____ - ____ RDO ____

____ Employee # ____ Rank/Title ____ UOA ____
Work Tel# ____ ; Home Tel# ____ ; Work Hours ____ - ____ RDO ____

____ Employee # ____ Rank/Title ____ UOA ____
Work Tel# ____ ; Home Tel# ____ ; Work Hours ____ - ____ RDO ____

****

Section D: Alleged Involved Party(ies) (if they can be identified)

Villanueva, Alejandro (Sheriff) Employee # [redacted] UOA Office of Sheriff

Employee # ______ UOA ______

Employee # ______ UOA ______

Employee # ______ UOA ______

****

Section E: Alleged Witness(es) (if they can be identified)

None Stated Employee # ______ Rank/Title ______ UOA ______
Work Tel# ______ ; Home Tel# ______ ; Work Hours ______ - ______ RDO ______

______ Employee # ______ Rank/Title ______ UOA ______
Work Tel# ______ ; Home Tel# ______ ; Work Hours ______ - ______ RDO ______

______ Employee # ______ Rank/Title ______ UOA ______
Work Tel# ______ ; Home Tel# ______ ; Work Hours ______ - ______ RDO ______

______ Employee # ______ Rank/Title ______ UOA ______
Work Tel# ______ ; Home Tel# ______ ; Work Hours ______ - ______ RDO ______

****

Section F: Nature of the Complaint or Issue(s) -- Be as detailed as possible, include all incidents & evidence.

On March 16, 2022, the ISU received a County Policy of Equity report (ICMS #2022-112213) from CEOP Executive Director Vickey Bane, filed by RP/CP [redacted] on March 9, 2022. The narrative of the complaint stated, in part, the following (verbatim): "...The Sheriff sent an email throughout the Sheriff's Department that was a racially biased attack." "My birth name was [redacted] did not participate in raising me and so I took [redacted] as a law student with the help of a firm I clerked for. As [redacted] have never used any name other than [redacted] which is also my name on my driver's license and passport. A county computer system continues to incorrectly list my first name as [redacted] and the sheriff has repeatedly referred to me as [redacted] in public attacks. I believe this is dog whistling to the extremists he caters to as the more unusual name might lead some to view me as

(☑ Check, if narrative is continued onto the next page)

Ask: "Why do you believe this treatment is occurring?"

Race

Section F (cont'd): Nature of the Complaint or Issue(s) -- Be as detailed as possible, include all incidents & evidence.

foreign (German or Jewish)."

(ISU Note: For details, refer to copy of CPOE complaint contained in ISU efile.)

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Note: Continue onto the next page

Section G: Supervisor -- FOR NON-VICTIM SUPERVISORY USE ONLY. DO NOT FILL OUT THIS SECTION IF YOU ARE THE ALLEGED VICTIM OR A NON-SUPERVISOR.

Date & Time notified of potential violation / observation was made: 03 / 16 / 2022 , 1521 hours.

How did you become aware of the potential violation (explain in detail):
The ISU received CPOE ICMS #2022-112213, containing the above allegations.

Supervisor's Actions (if any) (explain in detail)

A POE Report was generated by ISU Deputy Jonathan Lested to document the allegation in the County Policy of Equity Complaint.

Did you ascertain whether complainant(s) and/or victim(s) are in need of:

☑ Medical Attention
Response: to be ascertained

☑ Protection
Response: to be ascertained

☑ Other Assistance
Response: to be ascertained

Advised the complainant(s) and/or victim(s) that they:

☑ May seek confidential counseling or assistance from Employee Support Services

Notifications:

☐ **Intake Specialist Unit phone notification:** (During business hours, direct telephone (323) 890-5371. After hours, request through Sheriff's Headquarter's Bureau (323) 526-5541)

Intake Specialist notified via telephone: ____________ (Name) Date & Time: ___ / ___ / ____ , ____ hour.

☑ **POE Report/Notification Form forwarded to Intake Specialist Unit**

Date & Time: 03 / 16 / 2022 , 1521 hour. How?: ☑ e-mail ☐ Fax ☐ County mail

****

Section H: **For Intake Specialist Unit Use Only** - DO NOT FILL OUT IF YOU ARE REPORTING A POTENTIAL VIOLATION TO THE INTAKE SPECIALIST UNIT.

Intake Specialist Name: B-1 Deputy Jonathan A. Lested Emp. #: [redacted]

Day, Date and time ISU received form Thursday / 03 / 17 / 2022 , 1215 hours.

☐ Referred to Equity Unit: Date & Time - ____ /____ / ______ , ________hours.

☑ If not referred to Equity Unit, explain in detail action taken:
"B" assessment authored by DCO Sieberg received on 04/07/2022.

Additional Information (if any): ____________________

☐ Check here if this violation has already been reported. If so, this form should be attached to the already existing report as an addendum. If the existing report has already been forwarded to the Equity Unit or any other Department entity, this form should be forwarded as well.

CC:
☑ Equity Oversight Panel
☐ Subject's Unit Commander
☐ Reporting Party's Unit Commander
☐ Victim's Unit Commander

EXHIBIT C

IV 2558097
EXHIBIT C



MISCELLANEOUS DOCUMENTS

SH-AD-703 Revised (2/22)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

DATE: June 27, 2022

FILE NO:

OFFICE CORRESPONDENCE

FROM: JASON P. WOLAK, COMMANDER
PROFESSIONAL STANDARDS DIV.

TO: RON KOPPERUD, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **REQUEST FOR** INTERNAL AFFAIRS BUREAU ADMINISTRATIVE INVESTIGATION

Incident Date(s): *(use semi-colons to separate multiple dates)*
Between March 5, 2022, and March22, 2022

Synopsis:

POE 22-045. It is alleged that Subject Villanueva acted in an inappropriate POE related manner while in the workplace.

Date a Sergeant, or above, became aware of an act, omission, or other misconduct:
March 16, 2022

One Year Statute Date (If criminal monitor, leave blank): March 15, 2023

Alcohol Related? NO

Citizen Complaint? NO If yes, SCR #:

Complainant's Name (Add employee number if a Department member)

[redacted] Office of Inspector General, #[redacted]

REQUEST FOR IAB INVESTIGATION AND/OR CRIMINAL MONITOR

Involved Subject *(For additional subjects, use Subject Continuation Page 703-A)*

Subject Name, Rank, Employee Number, and Unit of Assignment:

Alex Villanueva, Sheriff, #[redacted] Office of the Sheriff

Potential MPP Violation(s):

3-01/121.10 - POE Discrimination; 3-01/121.20 - POE Harassment Other than Sexual;
3-01/121.25 POE Third Party Harassment;
3-01/121.30 POE Inappropriate Conduct Toward Others

Subject's Assignment/Duty Status:

- ☑ Subject's assignment/duty status unchanged
- ☐ Relieved of Duty (ROD), assigned to home ROD Date:
- ☐ ROD, assigned to a relieved of duty position
- ☐ Probationary Employee

Justification for the subject's assignment/duty status *(required)*:

N/A

Consideration(s) for IAB Request:

* Mandatory IAB Investigation

- ☐ Witnesses are spread over a large geographic area.
- ☐ The nature of the allegation(s) involves incidents of high media attention.
- ☐ A subject is a supervisor or manager (lieutenant or above; assistant director or above).
- ☐ The nature of the allegation(s), if founded, will likely result in discharge.*
- ☐ The allegation(s) concern family/domestic violence.
- ☐ The allegation(s) concern workplace violence.*
- ☐ The allegation(s) concern profiling or bias against members of the public.*
- ☑ Other: Allegations contain Policy of Equality*

☐ Criminal Monitor by IAB (Refer to MPP 3-04/020.30 – Internal Administrative and Criminal Investigations) *enter investigating agency, crime, and report number:*

Supervisory Inquiry authored? ☐ Yes ☑ No

Contact person for source documents (i.e.: supervisory inquiry and/or investigative materials) at the requesting unit:

Prepared by Unit Commander/Director, or designee:

Lieutenant John Carter, #[redacted] Internal Affairs Bureau

NOTE: Email this form to "IAB Investigation Requests." A review of this request will be conducted by the Internal Affairs Bureau. There may be situations when the Internal Affairs Bureau will decide, upon initial review, to return the case to be conducted as a unit level investigation.

For IAB use only

Assigning Lieutenant Lieutenant John Carter, #[redacted]

IAB Investigator Christine Diaz-Herrera, Esquire, Sanders Roberts LLP

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

DATE: June 27, 2022
IV NO: 2558097

OFFICE CORRESPONDENCE

FROM:	TO:
EDWIN A. ALVAREZ, CHIEF PROFESSIONAL STANDARDS DIVISION	RON KOPPERUD, CAPTAIN INTERNAL AFFAIRS BUREAU

SUBJECT: SUBJECT OF ADMINISTRATIVE INVESTIGATION NOTIFICATION

SUBJECT EMPLOYEE NAME, RANK, AND EMPLOYEE NUMBER:

Alex Villanueva, Sheriff, #[redacted]

Department Knowledge Date (The date a sergeant, or above, became aware of an act, omission, or other misconduct):

03/16/2022

Potential MPP Violation(s) including, but not limited to:

3-01/121.10 POE - DISCRIMINATION
3-01/121.20 POE - DISCRIMINATORY HARASSMENT (OTHER THAN SEXUAL)
3-01/121.25 POE - THIRD PERSON HARASSMENT
3-01/121.35 POE - RETALIATION

Nature of the investigation (general description):

It is alleged you acted in an inappropriate POE related manner and in the workplace.

You are advised that the authorization given by your Unit Commander to other supervisors to approve your routine absence requests has been rescinded. You are being ordered by your Unit Commander that during the time this investigation is active, any routine absence request must be submitted directly to him/her, and approval or denial of the request must come directly from them as well. You are additionally reminded of your responsibilities in submitting absence requests under **MPP 3-02/030.05 - ROUTINE ABSENCES.**

SUBJECT EMPLOYEE ACKNOWLEDGEMENT OF NOTIFICATION:

Subject: [signature]	**Witness:** [signature]
Employee #: [redacted] **Date:** 6/29/22	**Employee #:** [redacted] **Date:** 6/29/22

CONTENTS NOTED J. SATTERFIELD

3-01/121.10 - Policy of Equality - Discrimination

Discrimination is the disparate or adverse treatment of an individual based on or because of that individual's:

- Age (40 and over);
- Ancestry;
- Color;
- Denial of family and medical care leave;
- Disability (physical and mental, including HIV and AIDS);
- Ethnicity;
- Gender identity/gender expression;
- Genetic information;
- Marital status;
- Medical condition (genetic characteristics, cancer, or a record or history of cancer);
- Military or veteran status;
- National origin (including language use restrictions);
- Race;
- Religion (includes religious dress and grooming practices);
- Sex/gender (includes pregnancy, childbirth, breastfeeding, and/or related medical conditions);
- Sexual orientation; and
- Any other characteristic protected by state or federal law.

Revised: 11/20/2020

3-01/121.20 - Policy of Equality - Harassment (Other Than Sexual)

Harassment of an individual based on or because of the individual's protected characteristic is also discrimination and prohibited. Harassment is conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, offensive, or abusive work environment, and a reasonable person subjected to the conduct would find that the harassment so altered working conditions as to make it more difficult to do the job.

Revised: 11/20/2020

3-01/121.25 - Policy of Equality - Third-Person Harassment

Third person harassment is indirect harassment of a bystander, even if the person engaging in the conduct is unaware of the presence of the bystander. When an individual engages in potentially harassing behavior, they assumes the risk that someone may pass by or otherwise witness the behavior. The Department considers this to be the same as directing the harassment toward that individual.

Revised: 11/20/2020

3-01/121.30 - Policy of Equality - Inappropriate Conduct Toward Others

Inappropriate conduct toward others is any physical, verbal, or visual conduct based on or because of any of the protected characteristics described in this policy, when such conduct reasonably would be considered inappropriate for the workplace.

This provision is intended to stop inappropriate conduct based on a protected characteristic before it becomes discrimination, sexual harassment, retaliation, or harassment under this policy. As such, the conduct need not meet legally actionable state and/or federal standards to violate this policy. An isolated derogatory comment, joke, racial slur, sexual innuendo, etc., may constitute conduct that violates this policy and be grounds for discipline. Similarly, the conduct need not be unwelcome to the party against whom it is directed; if the conduct reasonably would be considered inappropriate by the Department for the workplace, it will violate this policy.

Revised: 11/20/2020